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OCT 28 2005

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO Docket No. THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity) XILL-3095 In Re Application Of: VanErlach et al. Application No. Filing Date Examiner Customer No. Group Art Unit Confirmation No. 09/727,718 11/30/2000 Smith, Ruth S. 5409 3737 4074 Invention: METHOD FOR INSERTING A MICRODEVICE OR A NANODEVICE INTO A BODY FLUID STREAM **COMMISSIONER FOR PATENTS:** Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examinor dated August 31, 2005 finally rejecting Claim(s) 1, 5, 6, 9 and 11-19 Applicant is a small entity under 37 CFR 1.9 and 1.27. RECEIVED OIPE/IAP Applicant claims small entity status. See 37 CFR 1.27 The fee for this Notice of Appeal is: **NCT 3 1** 2005 \$250,00 A check in the amount of the fee is enclosed. The Director has already been authorized to charge fees in this application to a Deposit Account. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 19-0513 Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. Dated: October 28, 2005 Arlen L. Olsen hereby certify that this correspondence is being Reg. No.: 37,543 deposited with the United States Postal Service with SCHMEISER, OLSEN & WATTS sufficient postage as first class mail in an envelope 3 Lear Jet Lane adressed to the "Commissioner for Patents, P.O. Box Suite 201 1450, Alexandria, VA 22313-1450\* [37 CFR 1.8(a)] on October 28, 2005 Latham, NY 12110 10/31/20D5 SDENBOB1 00000063 190513 09727718 (Date) 01 FC:24D1 250.00 DA Signature of Person Mailing Correspondence CC: Jerome O'Neil

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| CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): VanErlach et al. |                              |  | Docket No.<br>XILI~3095                 |  |
| Application No. 09/727,718   | Filing Date<br>11/30/2000    | Examiner Smith, Ruth S.  | Group Art Unit<br>3737                  |  |
| Invention: METHOD FOR  | INSERTING A MICRODE          | EVICE OR A NANODEVICE INTO A   | BODY FLUID STREAM                       |  |
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| I hereby certify that this _   |                              | Notice of Appeal (Small Entity) (Identify type of correspondence)                    | , |  |
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| on October 28, 20  | 005                          |  |   |  |
| · ,  |                              | Jerome O'Neil<br>(Typed or Printed Name of Person Sig<br>Jerewe O'Nei<br>(Signature) | ning Certificate)                       |  |
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